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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,708	03/18/2004	Raymond A. Wekluk	84966	5964

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NAVAL SURFACE WARFARE CENTER, DAHLGREN DIVISION  
OFFICE OF COUNSEL, CODE XDC1  
17320 DAHLGREN ROAD  
DAHLGREN, VA 22448-5110

EXAMINER

RAEVIS, ROBERT R

ART UNIT PAPER NUMBER

2856

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/808,708

Applicant(s)

WEKLUK, RAYMOND A.

Examiner

Robert R. Raevis

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3-18-04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

**DETAILED ACTION**

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 1, "portion" (line 6) of what? Use of the term "portion" suggests that there is something more than the portion, or in addition to the portion. Also, "for retaining an element to be located" (last line) is confusing, as the mounting plate retains the sensor 72 (i.e. the "element") which does the locating. It is the target (not the sensor) that is located. Thus, the claim is not consistent with the written specification and drawing.

As to claim 8, "portion" (line 4) of what? Also, "for retaining an element to be located" (last two lines) is not consistent with the written specification and drawing for the reason stated in the previous paragraph.

As to claim 11, "portion" (line 10) of what? Also, "for retaining an element to be located" (lines 4-5 from bottom of the claim) is not consistent with the written specification and drawing for the reason stated in the previous paragraph. Is the "mounted" (line 6) a noun? What is a "sensor mounted" (line 6)? Finally, isn't the "sensor" (line 6) the structure that is retained ("retaining" on line 5 from bottom of the claim) "in the mounting plate" (line 5 from bottom of the claim)?

As to claim 16, isn't the "element" (line 2) the same as the "sensor" (line 3), thus resulting in the same element being claimed twice? (Double Inclusion)

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As to claim 18, "for retaining an element to be located" (line two from last) is not consistent with the written specification and drawing, as the target is not retained by a mechanism in the mounting plate. Also, the "a sensor" (line 13) not connected to the remainder of the claimed apparatus, and thus the claim seems to be directed to a kit, and not a "combination".

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eramo et al teach use of a threaded rod 18 and guide 16 for displacing a measuring instrument.

Sloyan teach use of a threaded driver 16 between guides 12.

Campbell teaches (Figures 1,2) use of a driving screw 142 between rails 132,134 for driving platform 130, the same platform employing a second driving screw 154 and rails 146,148 to displace a measuring instrument 12.

McMurtry teach (Figure 1) use of dual threaded rods to drive a measuring instrument 9 in a horizontal and *vertical* direction.

Schihl teaches use of a rail to position a position switch 18.

Cassidy teaches (Figure 2) use of dual threaded rods 72,60 and guides 50,52 and 54,58 to drive a platform 40.

Purinton teaches displacing a drill B in both the horizontal (threaded drive F) and vertical (telescopic arm A) directions, while Smith teaches use of threads 4 to apply vertical displacement of a drill.

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Bacher teaches (Figure 1) use of a base 10 with orthogonal sides to support a driving rod 30 and guides 12,13.

Yanangisawa teaches (Figure 1) use of driving rod 32 and guides 17 to move a table in one direction, and a second driving rod 22 and guides 19 to displace the same table in a perpendicular direction.

No claim could be deemed to contain allowable material in view of excessive 35 USC 112 (2) issues.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Raevis whose telephone number is 571-272-2204. The examiner can normally be reached on Monday to Friday from 6:30am to 3:30pm. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RAEVIS